

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

It is noted that claims 1-31 have been cancelled in the amendment filed 11/21/2007.

Claim Objections

The objection to claim 30 (now cancelled) for minor informalities is moot.

Claim Rejections - 35 USC § 112

It is noted that claims 5-7, 10-14 and 30-31 have been cancelled. Therefore the rejection of claims 5-7, 10-14 and 30-31 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement are moot.

Authorization for this examiner's amendment was given in a telephone interview with Fei-Fei-Chao on 2/28/2008.

The application has been amended as follows:

In the Abstract:

The present invention relates to expression control sequences of a vertebrate liver fatty acid binding protein (L-FABP) gene that, when operably linked to a reporter

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(e.g., a heterologous reporter, such as the green fluorescent protein (GFP)), directly express the reporter in a fashion that mimics the liver-specific development of the L-FABP gene in the vertebrate. ~~Also disclosed is transgenic fish, such as a transgenic zebrafish, whose cells comprises at least one genomically integrated copy of a recombinant construct comprising such an expression control sequence, operably linked to a reporter sequence, so that the expression of the reporter is liver cell specific, both spatially and temporally during development.~~

In the Claims:

Claim 32. An isolated polynucleotide comprising a chimeric construct comprising a liver-specific expression control sequence that modulates expression of a vertebrate liver fatty acid binding protein (L-FABP) and wherein said liver-specific expression control sequence comprises the nucleic acid sequence of SEQ ID NO:1. ~~comprising a liver specific expression control sequence; wherein said liver specific expression control sequence comprises the nucleic acid sequence of SEQ ID NO: 1; and wherein said expression control sequence modulates expression of a vertebrate liver fatty acid binding protein (L-FABP).~~

Claim 33. The isolated polynucleotide according to claim 32, wherein said polynucleotide nucleic acid sequence is isolated from zebrafish.

The following is an examiner's statement of reasons for allowance: SEQ ID NO:1, SEQ ID NO:2 and SEQ ID NO:3 are free of the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Claims 32-36 (now claims 1-5) are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA M. MITCHELL whose telephone number is (571)272-8783. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached on (571) 272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura McGillem Mitchell
Examiner
2/26/2008

/Celine X Qian Ph.D./
Primary Examiner, Art Unit 1636